

**CONTROLLED SUBSTANCES—PRESCRIPTIONS—  
COMMUNICATION****CHAPTER 777****S. B. No. 658**

**An Act relating to prescriptions of controlled substances; amending Subdivision (27), Section 1.02 and Section 3.08, Texas Controlled Substances Act, as amended (Article 4476—15, Vernon's Texas Civil Statutes).**

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Subdivision (27), Section 1.02, Texas Controlled Substances Act, as amended (Article 4476—15, Vernon's Texas Civil Statutes), is amended<sup>34</sup> to read as follows:

“(27) ‘Prescription’ means an order by a practitioner to a pharmacist for a controlled substance for a particular patient which specifies the date of issue, the name and address of the patient or, if the controlled substance is prescribed for an animal, the species of the animal and the name and address of its owner, the name and quantity of the controlled substance prescribed, and directions for use of the drug.”

Sec. 2. Section 3.08, Texas Controlled Substances Act, as amended (Article 4476—15, Vernon's Texas Civil Statutes), is amended<sup>35</sup> to read as follows:

**Prescriptions**

“Sec. 3.08. (a) No controlled substance in Schedule II may be dispensed without the written prescription of a practitioner, except when dispensed directly to an ultimate user by a practitioner, other than a pharmacy.

“(b) In emergency situations, as defined by rule of the director, Schedule II drugs may be dispensed upon oral or telephonically communicated prescription of a practitioner, reduced promptly to writing by the pharmacy and filed by the pharmacy. Prescriptions shall be retained in conformity with the requirements of Section 3.06. No prescription for a Schedule II substance may be refilled.

“(c) Except when dispensed directly to an ultimate user by a practitioner, other than a pharmacy, a controlled substance included in Schedule III or IV, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, shall not be dispensed without a written, oral, or telephonically communicated prescription of a practitioner. The prescription shall not be filled or refilled more than six months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

“(d) A telephonically communicated prescription of a practitioner under this subchapter may be communicated only by the practitioner or by an agent of the practitioner designated in writing as authorized to communicate prescriptions by telephone. Such telephonically communicated prescriptions shall be reduced promptly to writing by the pharmacy and filed and retained in conformity with this subchapter. The written desig-

34. Vernon's Ann.Civ.St. art. 4476—15, § 1.02, subd. (27).

35. Vernon's Ann.Civ.St. art. 4476—15, § 3.08.

nation of an agent authorized to communicate prescriptions shall be maintained in the usual place of business of the practitioner and shall be available for inspection by investigators for the Texas State Board of Medical Examiners, the State Board of Dental Examiners, the State Board of Veterinary Medical Examiners, or the Department of Public Safety.

“(e) Upon request from a pharmacist, the practitioner shall furnish a copy of such written designation of an agent authorized to communicate prescriptions on behalf of such practitioner. Nothing herein shall be construed as to relieve such a practitioner or his designated agent from the requirements of Section 40 of the Texas Pharmacy Act, H. B. 1628, 67th Legislature, Regular Session, 1981;<sup>36</sup> and such practitioner shall be personally responsible for the actions for such designated agent in communicating prescriptions to a pharmacist.

“(f) A controlled substance listed in Subdivision (1) or (2), Subsection (b), Section 2.07 of this Act, may not be dispensed without the prescription of a practitioner, except when dispensed directly to an ultimate user by a practitioner other than a pharmacy, and a prescription for the substances may not be filled or refilled more than six months after the date of the prescription or be refilled more than five times, unless renewed by the practitioner. A controlled substance included in Schedule V shall not be distributed or dispensed other than for a medical purpose.

“(g) No prescription for Schedule II narcotic drugs shall be filled after the second day the prescription was issued.

“(h) A practitioner, as defined by Section 1.02(24)(A) of this Act, may not prescribe, dispense, or administer a controlled substance or cause a controlled substance to be administered under his direction and supervision except for a valid medical purpose and in the course of professional practice.”

Sec. 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 14, 1981: Yeas 29, Nays 0; Senate concurred in House amendment on May 29, 1981: Yeas 28, Nays 0; passed the House, with amendment, on May 28, 1981, by a non-record vote.

Approved June 17, 1981.

Effective Aug. 31, 1981, 90 days after date of adjournment.